

## § 571.72

## 28 CFR Ch. V (7–1–09 Edition)

through (D). Under 18 U.S.C. 4042(c)(4)(E), the Attorney General is authorized to designate additional offenses as sexual offenses for the purpose of sex offender release notification and other related purposes. This authority has been delegated to the Director.

### § 571.72 Additional designated offenses.

The following offenses are designated as additional sexual offenses for purposes of 18 U.S.C. 4042(c):

(a) Any offense under the law of any jurisdiction that involved:

(1) Engaging in sexual contact with another person without obtaining permission to do so (forcible rape, sexual assault, or sexual battery);

(2) Possession, distribution, mailing, production, or receipt of child pornography or related paraphernalia;

(3) Any sexual contact with a minor or other person physically or mentally incapable of granting consent (indecent liberties with a minor, statutory rape, sexual abuse of the mentally ill, rape by administering a drug or substance);

(4) Any sexual act or contact not identified in paragraphs (a)(1) through (3) of this section that is aggressive or abusive in nature (rape by instrument, encouraging use of a minor for prostitution purposes, incest);

(5) An attempt to commit any of the actions described in paragraphs (a)(1) through (4) of this section.

(b) The following Defense Incident Based Reporting System (DIBRS) Code offenses under the Uniform Code of Military Justice:

(1) 120A (Rape);

(2) 120B1/2 (Carnal knowledge);

(3) 125A (Forcible sodomy);

(4) 125B1/2 (Sodomy of a minor);

(5) 133D (Conduct unbecoming an Officer [involving any sexually violent offense or a criminal offense of a sexual nature against a minor or kidnaping of a minor]);

(6) 134–B6 (Prostitution involving a minor);

(7) 134–C1 (Indecent assault);

(8) 134–C4 (Assault with intent to commit rape);

(9) 134–C6 (Assault with intent to commit sodomy);

(10) 134–R1 (Indecent act with a minor);

(11) 134–R3 (Indecent language to a minor);

(12) 134–S1 (Kidnaping of a minor (by a person not a parent));

(13) 134–Z (Pornography involving a minor);

(14) 134–Z (Conduct prejudicial to good order and discipline (involving any sexually violent offense or a criminal offense of a sexual nature against a minor or kidnaping of a minor));

(15) 134–Y2 (Assimilative crime conviction (of a sexually violent offense or a criminal offense of a sexual nature against a minor or kidnaping of a minor)).

(16) 080–A (Attempt (to commit any offense listed in paragraphs (b)(1)–(15) of this section));

(17) 081–A (Conspiracy (to commit any offense listed in paragraphs (b)(1)–(15) of this section));

(18) 082–A (Solicitation (to commit any offense listed in paragraphs (b)(1)–(15) of this section)).

(c) The following District of Columbia Code offenses:

(1) § 22–501 (Assault) if it includes assault with the intent to commit first degree sexual abuse, second degree sexual abuse, or child sexual abuse;

(2) § 22–2012 (Sexual performances using minors—prohibited acts);

(3) § 22–2013 (Sexual performances using minors—penalties);

(4) § 22–2101 (Kidnaping) where the victim is a minor;

(5) § 22–2401 (Murder in the first degree) if it includes murder while committing or attempting to commit first degree sexual abuse;

(6) § 22–2704 (Abducting or enticing child from his or her home for purposes of prostitution; harboring such child);

(7) § 22–4102 (First degree sexual abuse);

(8) § 22–4103 (Second degree sexual abuse);

(9) § 22–4104 (Third degree sexual abuse);

(10) § 22–4105 (Fourth degree sexual abuse);

(11) § 22–4106 (Misdemeanor sexual abuse);

(12) § 22–4108 (First degree child sexual abuse);

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- (13) § 22-4109 (Second degree child sexual abuse);
- (14) § 22-4110 (Enticing a child);
- (15) § 22-4113 (First degree sexual abuse of a ward);
- (16) § 22-4114 (Second degree sexual abuse of a ward);
- (17) § 22-4115 (First degree sexual abuse of a patient or client);
- (18) § 22-4116 (Second degree sexual abuse of a patient or client);
- (19) § 22-4118 (Attempts to commit sexual offenses);
- (20) § 22-4120 (Aggravating circumstances).
- (21) § 22-103 (Attempts to commit crime) if it includes an attempt to commit any offense listed in paragraphs (c)(1)-(20) of this section.

### PART 572—PAROLE

#### Subparts A-C [Reserved]

#### Subpart D—Parole and Mandatory Release Violator Reports

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572.30 Purpose and scope.

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#### Subpart E—Compassionate Release (Procedures for the Implementation of 18 U.S.C. 4205(g))

572.40 Compassionate release under 18 U.S.C. 4205(g).

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4205, 5015 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

#### Subparts A-C [Reserved]

#### Subpart D—Parole and Mandatory Release Violator Reports

##### § 572.30 Purpose and scope.

The Bureau of Prisons provides the U.S. Parole Commission with a Viola-

tor Report for use at the revocation hearing of a parole or mandatory release violator, when that hearing is conducted in an institution of the Bureau of Prisons.

[45 FR 33941, May 20, 1980]

##### § 572.31 Procedures.

Staff shall prepare the Violator Report to include the following information:

- (a) The inmate's original offense, sentence imposed, date and district;
- (b) Description of release procedure;
- (c) Alleged violation(s) of parole or mandatory release;
- (d) Inmate's comments concerning the alleged violation(s);
- (e) An outline of the inmate's activities while under supervision on parole or mandatory release; and
- (f) At the option of the inmate, statement of current release plans and available community resources.

[45 FR 33941, May 20, 1980]

#### Subpart E—Compassionate Release (Procedures for the Implementation of 18 U.S.C. 4205(g))

##### § 572.40 Compassionate release under 18 U.S.C. 4205(g).

18 U.S.C. 4205(g) was repealed effective November 1, 1987, but remains the controlling law for inmates whose offenses occurred prior to that date. For inmates whose offenses occurred on or after November 1, 1987, the applicable statute is 18 U.S.C. 3582(c)(1)(A). Procedures for compassionate release of an inmate under either provision are contained in 28 CFR part 571, subpart G.

[59 FR 1239, Jan. 7, 1994]